



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200550615

Date: September 25, 2006

Comments Due: October 25, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to construct the Brookfield Meadows Residential Subdivision project, which would result in impacts to approximately 4.43 acres of waters of the United States, including wetlands, in or adjacent to the Howard Slough. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

**APPLICANT:** Randy Lewis  
1981 Ridgehill Drive  
Bountiful, Utah 84010  
801-295-6683

**LOCATION:** The project site is located at approximately 4300 West 5700 South in Hooper in Section 20, Township 5 North, Range 2 West, Weber County, Utah, and can be seen on the Roy, Utah USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a 47-lot residential subdivision. Based on the available information, the overall project purpose is to construct housing. The applicant believes there is a need to provide additional single family residential housing in the Hooper area. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** The site is about 22 acres in size with approximately 5.49 acres of waters of the United States within the project site, including 0.81 acre of riverine habitat (Hooper Slough) and 4.68 acres of palustrine wet meadow and emergent wetlands. The site is characterized as flat valley bottom gently sloping west towards the Great Salt Lake. The site was historically used for horse and cow grazing and is presently disturbed through illegal dumping of residential and construction debris.

The relatively undisturbed areas are comprised of a mixture of uplands and wetland seeps draining into finger-like tributaries which flow to a main perennial creek, Hooper Slough. The uplands are comprised of a mixture of native grass and shrub species (greasewood, broom snake

weed and western wheat grass) and non-native weed species (gum weed, cheatgrass, Russian olive). The wetlands are comprised of salt grass, foxtail barley, three square and some cattail. The banks of the slough are vegetated with red canary grass and some woods rose.

The site is surrounded by suburban development. An elementary school has been built northwest of the site, a new residential subdivision is to the west, a city park is located across the street to the east and a golf course is proposed to the south.

**Alternatives.** The applicant has provided some information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Alternative 1 100% Use Alternative: This alternative would subdivide the project site into 54 single-family home lots. A through street would connect 4300 South with 4525 West and two cul-de-sacs would provide access to the 25 lots on the northern half. This alternative would pipe the Howard Slough and impact all of the wetlands on the property.

Alternative 2 49-lot Subdivision: The Brookfield Meadows with Green Belt alternative would subdivide the project site into 49 single family home lots (Figure 4). A through street would connect 4300 South with 4525 West and two cul-de-sacs would provide access to the 19 lots on the north half of the project site. A private drive would provide access to lot #17 and #44 along the west side of the site. This alternative would avoid impacts to 0.32 acre of the slough and 0.41 acre of wet meadow wetland.

Alternative 3 47-lot Subdivision: The proposed site plan would subdivide the project site into 47 single-family home lots (Figure 5). A through street would connect 4300 South with 4525 West and two cul-de-sacs would provide access to the 19 lots on the northern half. This alternative would avoid impacts to 0.32 acre of the slough and 0.74 acre of wetlands.

Alternative 4 5 Lot Alternative: This alternative would subdivide the site into 5-single family ranch lots. This site plan would consist of a cul-de-sac in the center of the site. Access would be provided from 4525 West Street. This site plan would impact 0.35 acre of wet meadow wetland for the street and infrastructure. A variance for a 900-foot long cul-de-sac would be required. The 4-acre lots would be sold with wetlands on each lot. The individual land owners would be responsible for obtaining a Section 404 permit on each lot.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The applicant has proposed to create some wetlands on-site (lots 17 and 47) and to implement riparian enhancements to the slough, including re-sloping/re-vegetating the banks and implementing a 100-foot buffer on both sides to the slough. Additionally, the applicant is proposing to purchase approximately 17 acres of lands containing wetlands adjacent to the Ogden Bay Waterfowl Management Area (refuge) and donate it to the refuge for management. Grazing and internal fencing would be removed from the site to enhance the wetlands on-site.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelly Quick, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, **on or before October 25, 2006.**

**HISTORIC PROPERTIES:** Based on the available information, cultural resources are not within the project's area of potential effect.

**ENDANGERED SPECIES:** The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. Therefore, the Corps will not initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200550615, must be submitted to the office listed below **on or before October 25, 2006:**

Jason Gipson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
Email: [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Jason Gipson, 801-295-8380, extension 14, [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil).

Attachments: 6 drawings